

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal From The South Carolina
Workers' Compensation Commission

Honorable Melody James, Commissioner
Honorable Gene McCaskill, Commissioner
Honorable Aisha Taylor, Commissioner

WCC File No. 9832206

Appellate Case No. 2017-001804

Stella Mae Richardson,

v.

Yuasa Exide, Inc., Employer, and Great American Insurance Company of
NY, Carrier,

Of which Yuasa Exide, Inc., Employer, is

RECEIVED

FEB 20 2018

SC Court of Appeals

Appellant,

Defendants,

Respondent.

MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEF

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Robert P. Gruber (SC Bar No. 15581)
Catherine H. Chase (SC Bar No. 74593)
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Attorneys for Yuasa Exide, Inc.

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW the Respondent, Yuasa Exide, Inc., by and through undersigned counsel, pursuant to Rule 263(b), SCACR, and moves this Honorable Court for an extension of twenty (20) days' time to file/serve the Final Brief of Respondent *after service of the proper and complete Record on Appeal*.

The Appellant served the Record on Appeal on January 31, 2018, thereby, making the Respondent's final briefing deadline February 20, 2018, according to Rule 11, SCACR. Upon receipt of the Record on Appeal, the undersigned noted that it did not comply with Rule 210, SCACR, in many aspects. First, the pages of the Record on Appeal were not consecutively numbered. Second, numerous items which the Respondent designated for inclusion in the Record on Appeal were omitted. Third, certain items included in the Record on Appeal had handwritten notes which were not presented to the court below, that is, to the Workers' Compensation Commission. As such, on February 9, 2018, the undersigned noted these issues in a letter to the Appellant and via email provided copies of the missing documents or clean versions of the designated documents. (See Exhibit A.)

On February 13, 2018, the undersigned spoke with the Appellant about the February 9 correspondence and the compilation of the Record on Appeal. As of the date of this filing, the undersigned has not received a supplemental or replacement Record on Appeal. As such, the Respondent is unable to prepare its Final Brief.

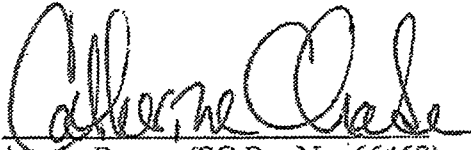
The undersigned has consulted with the Appellant counsel before filing this motion, as noted by Exhibit A.

WHEREFORE, the Respondent respectfully requests that this Honorable Court grant an extension of 20 days' time to serve/file the Final Brief of Respondent *after service of the proper*

and complete Record on Appeal. Further, the Respondent respectfully requests that the Court hold Respondent's present deadline for briefing in abeyance until it acts upon this motion.

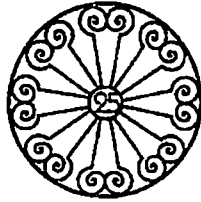
Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 
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Attorneys for Yuasa Exide, Inc.

Charleston, South Carolina

Dated: 



YCR LAW

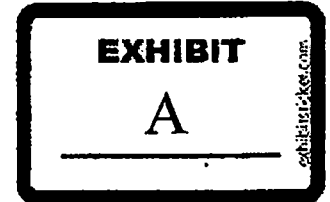
Catherine H. Chase

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-2983
E-mail: cchase@ycrlaw.com

February 9, 2018

Via US Mail & E-Mail

Ms. Stella Mae Richardson
5070 Ridge Street
Dalzell, SC 29040
sw-jrl@hotmail.com



Re: Stella Richardson, Appellant, v. Yuasa Exide, Inc., Employer, and Great American Insurance Company of NY, Carrier, of whom Yuasa Exide, Inc., Employer is Respondent
Appellate Case No. 2017-001804
YCR File: 11016-20091251

Dear Ms. Richardson:

I received the Record on Appeal which you filed in the above referenced appeal. I note that the Record on Appeal does not comply with Rule 210, SCACR, in that each page of the record is not consecutively numbered beginning with the index. As such, I cannot cite to the Record on Appeal in my final brief.

Also, the Record on Appeal "shall include all matter designated to be included by any party," including the matters which Respondent designated. (See Rule 210(c), SCACR.) I note that the following items from the Respondent's Designation of Matter do not appear in the Record on Appeal: Respondent's 1, 3, 4, 5, 6, 9, 10, 11, 16, 17, 18, 19, 22, 24, 25, 26, 27, 28, 29, 30, and a complete copy of 34 (APA 515-526).

While you included Respondent's 8 (the 8/24/17 Appellate Panel Order), the copy included contains your handwritten notes. As your handwritten notes after receipt of the August 24, 2017 order are matters not presented to the Workers' Compensation Commission, they may not be included in the Record on Appeal. (See Rule 210(c), SCACR.) You also included Respondent's 15 (the 11/10/16 Hearing Transcript), but this also includes handwritten notes. Please replace these pages with clean copies.

In order to assist you with preparing a replacement or supplemental Record on Appeal, I have included the missing documents and clean copies of the marked up documents in the Sharefile link sent with this email.

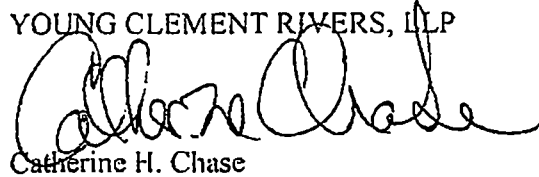
Our final briefs are to be filed with the Court of Appeals on or before February 20, 2018. So that I have time to prepare my final brief, please provide by February 16, 2018 a Record on Appeal with consecutively numbered pages and all matters which were designated to be included.

Ms. Stella Mae Richardson
February 9, 2018
Page 2 of 2

As always, thank you for your assistance. If you have any questions, please do not hesitate to contact me. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Catherine H. Chase

CHC/tlb

Enclosures:

1. Respondent's Designation of Matter
(via *Sharefile Only*)
 1. Respondent's 1, 3, 4, 5, 6, 9, 10, 11, 16, 17, 18, 19, 22, 24, 25, 26, 27, 28, 29, 30, and a complete copy of 34
 2. Respondent's 8
 3. Respondent's 15

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal From The South Carolina
Workers' Compensation Commission

Honorable Melody James, Commissioner
Honorable Gene McCaskill, Commissioner
Honorable Aisha Taylor, Commissioner

WCC File No. 9832206

Appellate Case No. 2017-001804

Stella Mae Richardson,

Appellant,

v.

Yuasa Exide, Inc., Employer, and Great American Insurance Company of
NY, Carrier,

Defendants,

Of which Yuasa Exide, Inc., Employer, is

Respondent.

PROOF OF SERVICE

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Attorneys for Yuasa Exide, Inc.

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SC Court of Appeals

I, Catherine H. Chase, of Young Clement Rivers, LLP, counsel for the Respondent above named, do hereby certify that I have served the **Motion for Extension of Time to File Final Brief** on the above-named the Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on February 20, 2018, and via email, addressed as follows:

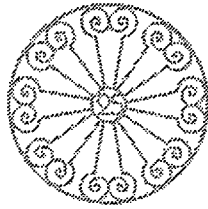
Stella W. Richardson
5070 Ridge Street
Dalzell, SC 29040
sw-jrl@hotmail.com

YOUNG CLEMENT RIVERS, LLP

By: 
Catherine H. Chase

Charleston, South Carolina

Dated: February 20, 2018



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SC Court of Appeals

February 20, 2018

VIA US MAIL AND FACSIMILE

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Stella Mae Richardson v. Yuasa Exide, Inc.
Appellate Case No.: 2017-001804
YCR File: 11016-20091251

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of a Motion for Extension of Time to File Final Brief, the original and one (1) copy of the Proof of Service for same and our firm's check in the amount of \$25.00 to cover the filing fee. Please file the originals and return a court-stamped copy of each to us in the enclosed envelope.

By copy to Appellant I am serving her with the same.

With best wishes and kindest regards, I am

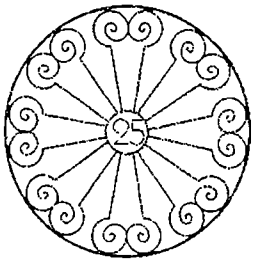
Sincerely,

Young Clement Rivers, LLP

Catherine H. Chase

CHC/kbb
Enclosures

Cc: Stella Richardson (via US Mail and email)



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Young Clement Rivers, LLP

All Business, Insurance, Real Estate and Regulatory Matters
Admiralty/Marine • Appellate • Commercial Litigation
Commercial Real Estate • Commercial Transactions
Community Association Law • Construction Law
Employment and Labor Law • Health Care • Insurance Coverage
Products Liability • Professional Liability • Retail Liability
Special Task Litigation • Tax, Estate Planning and Probate
Trucking and Transportation • Workers' Compensation

THE FOLLOWING PAGES ARE FOR IMMEDIATE DELIVERY

To: 18037341839
From: kbarnes@ycrlaw.com
Date: February 20, 12:32:27 PM EST
Subj: Richardson v. Exide; Case No.: 2017001804
Pages: 10

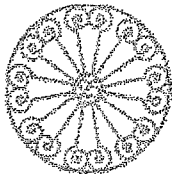
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SC Court of Appeals

Good afternoon Ms. Kitchings,

Attached please find correspondence in the above-referenced matter regarding our request for extension in this matter to file the final brief. The check together with all copies have been placed in the mail. Please do not hesitate to let us know if you need anything further.

Thank you!

Katy B. Barnes
Commercial Litigation Secretary
Stephen L. Brown, Russell G. Hines & Joanna B. Stroud
Young Clement Rivers, L.L.P.
25 Calhoun Street, Suite 400
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